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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/407,141	09/28/1999	DENNIS D. KING	RSW9-99-074	2350

25259 7590 03/21/2007			EXAMINER	
IBM CORPORATION 3039 CORNWALLIS RD. DEPT. T81 / B503, PO BOX 12195 REASEARCH TRIANGLE PARK, NC 27709			SPOONER, LAMONT M	
			ART UNIT	PAPER NUMBER
			2626	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	03/21/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

RSWIPLAW@us.ibm.com

PTOL-90A (Rev. 10/06)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 November 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7,9-13,15,17-21 and 23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7,9-13,15,17-21 and 23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>28 September 1999</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 11/24/06 have been fully considered but they are not persuasive. More, specifically:

In claims 1, 9, and 17, "wherein said text is an input field" is not enabled, nor described anywhere in the disclosure in a way that enables an artisan to make or use this limitation. In claims 7, 15, and 23, "wherein said text is an output field" is not enabled, nor described anywhere in the disclosure in a way that enables an artisan to make or use this limitation. The Applicant is advised to point out the enablement of these limitations within the disclosure. The Examiner, and appeal conference attendees have not been able to determine how text is determined to be an input field. Wherein the text may reside in an input field, as the Examiner so notes in the sections cited by applicant.

2.   In view of the new ground(s) of rejection, as determined by the appeal attendees, the finality of the previous office action is withdrawn.

Claim Objections

3.   Claims 1-5, 7, 9-13, 15, 17-21, and 23 objected to because of the following informalities: In claims 1, 9, and 17, "wherein said text is an input

field" is not enabled, nor described anywhere in the disclosure in a way that

enables an artisan to make or use this limitation. In claims 7, 15, and 23,

"wherein said text is an output field" is not enabled, nor described

anywhere in the disclosure in a way that enables an artisan to make or use

this limitation. For purposes of expediting prosecution, the Examiner has

interpreted the text to be located in an input field. Appropriate correction is

required.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5.   Claims 1-5, 7, 9-13, 15, and 17-21, and 23 are rejected under 35

U.S.C. 101 because the claimed invention is directed to non-statutory

subject matter. More specifically, claim 1 merely recites functional

descriptive material, an abstract idea, or computer program per se (see

page 53, Interim Guidelines for Examination of Patent Applications,

regarding claims 17-21, and 23-computer program product), without any

embodiment. The claimed invention falls within one of the statutory classes,

i.e. process/apparatus (claims 1-5, 7, 9-13, and 15), however includes a

judicial exception, as an abstract idea, wherein the patentable

process/apparatus, is in reality seeking patent protection of the computer

program in the abstract as evidenced by claim 17. The Examiner notes the

mere manipulation of data, in claim 1, wherein there is no physical

transformation and no useful, concrete and tangible result. Therefore the

claims are non-statutory.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in

this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 1-5, 7, 9-13, 15, 17-21, and 23 rejected under 35

U.S.C. 102(e) as being anticipated by Hamann (US 6,092,036).

As per **claims 1, 9, and 17**, Hamann teaches a method of

automatically translating text from a source language to a target language

with a reusable control, comprising the steps of:

initializing parameters to identify a plurality of variables comprising at

least the source and the target language (C.7.lines 58-60); identifying when

translation should be invoked for text in the control (C.55-60);

encapsulating said steps of initializing and identifying in order to make a

reusable data object (C.7.lines 54-60-C.4.lines 33-38-his embedded

translator includes encapsulation of the initializing and identifying steps);

and wherein said text is in an input field (C.4.lines 38-44, C.4.lines 64-67).

As per **claims 2, 10 and 18**, Hamann teaches the method of Claim 1,

wherein said step of initializing further comprises initializing a subject area

(C.5.lines 26-30, 55-57-his message area, program or class).

As per **claims 3, 11 and 19**, Hamann teaches the method of claim 2,

wherein said step of initializing further comprises initializing domains

(C.5.lines 26-30, 55-57-his program/class).

As per **claims 4, 12 and 20**, Hamann teaches the method of claim 3,

wherein said step of initializing further comprises initializing transactional

needs (C.5.lines 1-10-his call campaign manager application).

As per **claims 5, 13 and 21**, Hamann teaches the method of Claim 4,

wherein said step of initializing further comprises initializing input and

output locations (C.7.lines 1-40-his translation configuration settings-input and output of text).

As per **claims 7, 15 and 23**, Hamann teaches a method of automatically translating text from a source language to a target language with a reusable control, comprising the steps of:

initializing parameters to identify a plurality of variables comprising at least the source and the target language (C.7.lines 58-60); identifying when translation should be invoked for text in the control (C.55-60); encapsulating said steps of initializing and identifying in order to make a reusable data object (C.7.lines 54-60-C.4.lines 33-38-his embedded translator includes encapsulation of the initializing and identifying steps); and wherein said text is in an output field (C.4.lines 38-44, C.4.lines 64-67).

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-      Atkin et al. (US 5,900,871) teaches encapsulating localization data with the operations that work on the data.

-      Atkin et al (US 5,907,326) teaches encapsulating localization information and localization procedures into a cohesive unit.

-    Blair (US 6,111,572) teaches class/subject-based encapsulation

for easy translation and display.

Any inquiry concerning this communication or earlier communications

from the examiner should be directed to Lamont M. Spooner whose

telephone number is 571/272-7613. The examiner can normally be

reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Richemond Dorvil can be reached on 571/272-

7602. The fax phone number for the organization where this application or

proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained

from the Patent Application Information Retrieval (PAIR) system. Status

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(EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-

1000.

lms
3/13/07

PATRICK N. EDOUARD
SUPERVISORY PATENT EXAMINER